HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P. No.22186 of 2000

Dated this the 12th day of December 2007

Between:

Smt. Bandari Padma … Petitioner

AND

Union of India,
Rep.by its Secretary, Dept. of Posts,
New Delhi, and 4 others …. Respondent

HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P. No.22186 of 2000

ORDER:

This Writ Petition has been filed by the petitioner seeking a direction to the respondents to pay the interest on the MIS deposit, which was not paid to her after closure of the accounts.

2) The writ petitioner submitted that she opened three accounts on 23.10.1999 before the fifth respondent by depositing Rs.48,000/-, Rs.30,000/- and Rs.38,000/- respectively and another four accounts were also opened on 18.12.1999 by depositing Rs.48,000/- each. The petitioner was paid interest till the month of April in respect of all the accounts. The fifth respondent did not pay the interest in respect of account Nos.5540, 5541 and 5542 from the date of opening of the said accounts that is on 18.12.1999. She requested the fifth respondent time and again to pay the interest in respect of those accounts. The fifth respondent requested her to produce the passbooks and accordingly she handed over the same to the fifth

respondent. But, subsequently he did not take any action for payment of the interest on the aforesaid accounts. Though the deposits were made in the year 1996 and 1997, the payment of interest was withheld from December 1999 and she was asked to close the accounts and at the time of closing, interest will be recovered from those deposits. She is entitled to get the interest on the aforesaid accounts from December 1999 till the date of closure of the accounts and as the said interest amount was not paid, she approached this Court through this writ petition.

3) It is an undisputed fact that the petitioner deposited the amounts into the accounts and she has not exceeded the prescribed limit. The fifth respondent has noticed that all the accounts were opened in the name of the single depositor and exceeded the maximum limit. Therefore, the depositor was addressed and intimated the correct position that the account Nos.5540, 5541 and5542 are to be closed as the said accounts were opened in contravention of the rules and no interest is admissible.

4) Though the rules prescribe that more than two accounts shall not be opened by any person, it was a mistake occurred on the part of the Post-Master also in allowing the petitioner to open more accounts contrary to the rules.

Had there been any objection at the time of opening of the accounts, there would not have been any problem and he would have deposited the amounts in the name of some other persons. Since there was a mistake on the part of the Post-Master in allowing the petitioner to open more accounts in her name exceeding the limit prescribed under the rules, the petitioner cannot be deprived of the interest accrued thereon. Therefore, it is just and reasonable to direct the respondents to pay the interest accrued to the accounts of the petitioner till the closure of the date of accounts.

5) An interim direction was given by this Court on

27.04.2001 in W.P.M.P.No.28216 of 2000 directing the respondents 4 and 5 herein to pay the interest forthwith on deposit Nos.5540, 5541 and 5542 from December 1999 till the date of closure of the said accounts pending disposal of the W.P.No.22186 of 2000. In the light of the said interim order, it shall be treated as final order in this case.

6) Hence, the writ petition is disposed of and the interim order granted by this Court on 27.04.2001 in W.P.M.P.No.28216 of 2000 shall be treated as final order in this case. If the amount as directed by this Court is not yet paid to the petitioner, it shall be paid within two months from the date of this order. No order as to costs.

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Dr.G. YETHIRAJULU, J

Date: 12-12-2007
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